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Held at Headquarters, New York, on Wednesday, 26 November 1997, at 6 p.m.

Chairman: Mr. Busacca ..... (Italy)

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The meeting was called to order at 6.30 p.m.

Agenda item 112: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/52/L.66/Rev.1)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/C.3/52/L.64)

Draft resolution A/C.3/52/L.66/Rev.1: The right to development

1. **Ms. Kirsch** (Luxembourg), speaking on behalf of the European Union, said it had not been possible to reach an acceptable compromise during informal consultations. The European Union therefore maintained its proposal to amend the draft resolution by deleting the fifth, fifteenth, seventeenth and twentieth preambular paragraphs, and paragraphs 7, 8, 16 and 16 *bis*.

2. **Mr. Borda** (Colombia), speaking on behalf of the Movement of Non-Aligned Countries, and **Ms. Msuya** (United Republic of Tanzania), speaking on behalf of the Group of 77, urged members to oppose the European Union proposal.

3. *At the request of the representative of Colombia, a recorded vote was taken on the amendments proposed by the European Union to draft resolution A/C.3/52/L.66/Rev.1.*

In favour:

Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Spain, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Islamic Republic of Iran, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Singapore, Slovenia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Abstaining:

Azerbaijan, Belarus, Cyprus, Georgia, Kazakhstan, Kyrgyzstan, Republic of Korea, Russian Federation.

4. *The amendments proposed by the European Union to draft resolution A/C.3/52/L.66/Rev.1 were rejected by 96 votes to 37, with 8 abstentions.*

5. **Mr. Borda** (Colombia) said that the draft resolution dealt with the concerns of the majority of countries, and urged members to vote in favour of it.

6. **Mr. Buchan** (Canada), speaking in explanation of vote before the voting, said that there was general agreement on the importance of the right to development, but opinions differed on the best way to realize it. Lasting progress would only be made if a step-by-step approach was taken in a spirit of cooperation. The draft resolution included elements that, in his opinion, were not helpful and which made consensus impossible. His delegation would therefore be voting against the draft resolution.

7. **Mr. Langman** (Australia), speaking in explanation of vote before the voting, said his delegation was a keen supporter of the right to development but believed the draft resolution contained elements which were outside the scope of the Third Committee and did not advance international cooperation. Those elements corresponded to some, though not all, of the amendments proposed by the European Union, and his delegation would therefore abstain in the voting.

8. **Mr. Türk** (Slovenia), speaking in explanation of vote before the voting, said his delegation would also abstain in the voting. He did not agree with all the amendments proposed by the European Union; some of them would have deleted useful paragraphs such as paragraph 16, on the fiftieth anniversary of the Universal Declaration of Human Rights. On the other hand, the draft resolution as it stood was

not coherent and not well negotiated. Additional efforts would be needed in future to make sure that discussions in the General Assembly and the Commission on Human Rights were more productive and more likely to lead to consensus.

9. **Mr. Wille** (Norway), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden) and the Netherlands and the United Kingdom of Great Britain and Northern Ireland, and speaking in explanation of vote before the voting, regretted that there was a lack of consensus on the draft resolution on the right to development.

10. The draft resolution contained several new and extraneous elements which weakened the human rights approach to the issue. For example, there were statements on the effects of globalization and the participation of developing countries in international macroeconomic policy decisions. The delegations on whose behalf he was speaking had serious reservations about, in particular, paragraphs 16 and 16 *bis*, and would vote against the draft resolution.

11. The Nordic Governments actively supported development assistance programmes and were trying to promote and protect the human rights of the individual both as a beneficiary and an agent in the development process. They were also actively trying to assist in strengthening democratic institutions and the rule of law. True development required that individuals and groups should be able to take an active part in decision-making in their own country. The right to development should be pursued in a way that made it serve as a link between civil and political rights and economic, social and cultural rights. Such a comprehensive view of human rights would help to avoid confrontational debates in which some rights were given higher priority than others.

12. **Ms. Saiga** (Japan) said it was inappropriate to include disarmament and macroeconomic policy issues in a resolution on human rights. Moreover, since discussions on the inclusion of the Declaration on the Right to Development in the International Bill of Human Rights had only just begun in the Commission on Human Rights, it was not acceptable to include expressions which prejudged the outcome of those discussions. Her delegation would therefore vote against the draft resolution.

13. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/52/L.66/Rev.1.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Islamic Republic of Iran, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Canada, Czech Republic, Denmark, Finland, Iceland, Japan, Luxembourg, Netherlands, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Andorra, Armenia, Australia, Austria, Belgium, Bulgaria, Croatia, Estonia, France, Georgia, Germany, Greece, Hungary, Ireland, Israel, Italy, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Monaco, New Zealand, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Ukraine.

14. *Draft resolution A/C.3/52/L.66/Rev.1 was adopted by 104 votes to 12, with 33 abstentions.*

15. **Mr. Winnick** (United States of America) said that his delegation had voted against the draft resolution because it could not agree that macroeconomic policy, globalization and trade protectionism were appropriate subjects for consideration in United Nations human rights forums. Nor could it accept that the right to development should be considered on a par with the International Bill of Human

Rights or that the Third Committee should adopt a position on disarmament. Moreover, it found it unacceptable that there was no mention in the draft resolution of the major obstacles to the realization of that right, namely, corruption and the failure of good governance, the administration of justice and the rule of law.

16. The carefully constructed consensus on the right to development had been broken because some delegations had tried to move too quickly, while others had, quite rightly, rejected the inclusion of issues which should be discussed in other United Nations forums. He did not disagree with the principle that the right to development should be one of the highest priorities of the High Commissioner for Human Rights, but progress could only be made on the basis of consensus. The question was how to sustain the spirit of cooperation which had led to increasing support from the developed countries for human rights programmes that benefited the developing countries.

17. **Mrs. Fritsche** (Liechtenstein) said that her delegation had abstained in the voting because it could not accept the fifteenth and seventeenth preambular paragraphs and paragraph 8. The consensus on what the right to development was, and what it was not, first reached at the Vienna World Conference on Human Rights, had proved to be very fragile, despite general agreement on the importance of the right to development itself. She agreed with the decision by the High Commissioner for Human Rights to give high priority to that right, but that could only be effective with the support of Member States achieved on the basis of consensus and the use of generally accepted language in resolutions.

18. **Mr. Rogov** (Russian Federation) said he was disappointed at the lack of consensus on the draft resolution, when so many delegations had been prepared to compromise. Although his delegation had not found everything in the draft resolution acceptable, it had voted in favour of it because of the importance it attached to the right to development. He hoped that the next session of the Commission on Human Rights would demonstrate greater international cooperation and a desire to reach agreement on future texts.

19. **Mr. Ball** (New Zealand) said his delegation had serious concerns about the fifth, fifteenth, seventeenth and twentieth preambular paragraphs and paragraphs 7, 8, 16 and 16 *bis*, among others, but had abstained in the voting because of the importance it attached to the right to development. He regretted that no consensus had been reached and urged future sponsors to be realistic in their approach.

20. **Mr. Xie Bohua** (China), speaking as a co-sponsor, expressed the regret of his delegation that the Third Committee had failed to reach consensus on the draft resolution, despite the flexibility shown by the developing countries and the non-aligned countries. The right to development was of the utmost importance in the field of human rights and, on the eve of the fiftieth anniversary of the Universal Declaration of Human Rights, it was time to heed the legitimate demands of the developing countries, which were reflected in the draft resolution. The right to development should be incorporated in the International Bill of Human Rights as a matter of priority. He hoped that prejudices would be set aside for the sake of international cooperation and that the draft resolution would be fully implemented by the United Nations system, including the United Nations High Commissioner for Human Rights.

21. **Mr. Causeret** (France) explained that his delegation had abstained in the vote because the text of the draft resolution just adopted included a number of aspects unrelated to the right to development. It firmly believed, however, that there could be no doubt that the right to development per se was a human right, in that every individual had the right to enjoy the fruits of development. Consensus on the issue had been reached before, and he hoped that it could be reached again.

22. **Mr. Much** (Germany) pointed out that roughly one third of the members of the Committee had either abstained or voted against the draft resolution because of the extraneous or unhelpful elements it contained. That division was a far cry from consensus, and it was to be hoped that that regrettable situation could be corrected at future sessions of the Commission on Human Rights.

23. **Mr. Núñez** (Spain) said that his delegation, which had abstained, endorsed the points made by the two previous speakers. The issue of the right to development was a highly important one, and it was to be hoped that it could again become the subject of consensus. He appealed to the sponsors of the draft resolution to display flexibility and realism to that end.

Draft resolution A/C.3/52/L.64: Comprehensive implementation of and follow-up to Vienna Declaration and Programme of Action (continued)

24. **Mr. Reyes Rodríguez** (Cuba) recalled that under paragraph 7 of draft resolution A/C.3/52/L.64, the General Assembly would take note of the report of the Chairman of the Working Group of the Third Committee mandated to consider aspects of the implementation of the recommendations of the Vienna Declaration and Programme

of Action, as set out in paragraphs 17 and 18 of part II thereof, and underline the need for its full implementation. His delegation had welcomed the work done to date by Mr. Danilo Türk, the Chairman of that Working Group. However, since Mr. Türk could not continue to chair the Working Group beyond the end of the current year, he wondered how the work of the Working Group would be pursued. Could it be assumed that the Working Group's mandate would be extended? If not, his delegation would request a decision by the Third Committee, explicitly extending it until such time as the recommendations of the Vienna Declaration and Programme of Action had in fact been implemented.

25. **The Chairman**, on behalf of the Committee, expressed appreciation of the work done by Mr. Danilo Türk, of Slovenia, as Chairman of the Working Group of the Committee. The Working Group would remain in existence, and consultations among the delegations concerning the matter of a new Chairman to succeed Mr. Türk would take place over the next days or weeks.

26. **Mr. Reyes Rodríguez** (Cuba) thanked the Chairman for clarifying the matter. Consultation concerning the next Chairman would, of course, continue once Mr. Türk had left to take up his new duties. His delegation was concerned to avoid any difference of views concerning the extension of the Working Group's mandate.

27. **The Chairman** proposed that the Committee should recommend to the General Assembly that it should take note of the report of the Committee Against Torture (A/52/44), the report of the Secretary-General on progress towards the realization of the rights set forth in the International Covenant on Economic, Social and Cultural Rights (A/52/511), the report of the Secretary-General on the status of the United Nations Voluntary Fund for the Victims of Torture (A/52/387), the report of the Secretary-General on human rights and terrorism (A/52/483), the report of the Secretary-General on rape and abuse of women in the areas of armed conflict in the former Yugoslavia (A/52/497) and the report of the Secretary-General on the human rights situation in southern Lebanon and West Bekaa (A/52/527).

28. *It was so decided.*

Agenda item 12: Report of the Economic and Social Council (*continued*)

Organization of work of the Third Committee and draft biennial programme of work of the Third Committee (A/C.3/52/L.77)

29. **Mr. Bunch** (Chief of the Documentation, Programming and Monitoring Section of the Division of General Assembly and Economic and Social Council Affairs) informed the Committee of the following corrections to document L.77: at the bottom of page 4 in the English version, the item "Cooperation to achieve education for all (1998)" was not an annual topic, but a biennial topic in odd years, and accordingly should be moved to the section headed "Biennial" at the top of page 5; on page 15, the reference shown as A/C.3/52/L.31 should read A/C.3/52/L.31/Rev.1; similarly, on page 16, the reference shown as A/C.3/52/L.38 should read A/C.3/52/L.38/Rev.1, and on page 17, A/C.3/52/L.66 should be corrected to A/C.3/52/L.66/Rev.1; on page 19, the reference A/C.3/52/L.69 should be corrected to A/C.3/52/L.69/Rev.1, and the words "Bosnia and Herzegovina, Croatia and Yugoslavia" should be replaced by "the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)"; at the bottom of that same page, in the list of documentation under Item 2, an item had inadvertently been omitted and should be added, namely "Report of the Secretary-General on the role of cooperatives in the light of new economic and social trends (General Assembly resolution 51/58)". The general lines and many of the specific items of the Committee's organization of work and draft programme for 1998-1999 were similar to those of its predecessor for 1996-1997.

30. **Mr. Theuermann** (Austria) recalled that the last operative paragraph of draft resolution A/C.3/52/L.64, on the follow-up to the Vienna Declaration and Programme of Action, had originally foreseen that the follow-up in question, in particular the five-year review, would be dealt with in 1998 as part of the item "Human rights questions". Subsequently, however, in order to highlight the importance of the issue, it had been proposed that the sub-item should be dealt with separately. Footnotes 2 and 3 to the item "Human rights questions" of the draft programme of work (p. 3 of the English text) included the follow-up to the Vienna Declaration and Programme of Action among the sub-items to be discussed jointly. In view of the point just made, he proposed that footnote 2 should be revised to read "Sub-items (a) *and (d)* are to be discussed separately; sub-items (b), (c) and (e) are to be discussed jointly," while footnote 3 should be revised to read "Delegations may make one statement under sub-items (a) *and (d)* and two statements under sub-items (b), (c) and (e)," etc.

31. *It was so decided.*

32. **Ms. Kirsch** (Luxembourg) proposed that the item "Strengthening of the Office of the High Commissioner for Human Rights/Centre for Human Rights of the Secretariat"

(bottom of p. 9 of the English text) should be removed from the list of items, as no draft resolution on that subject had been introduced in 1997, and probably none would be introduced in 1998 either.

33. **Ms. Morgan** (Mexico) noted that under item 4, International drug control (p. 6 of the English text), the issues included for annual consideration by the Committee did not correspond strictly with the omnibus resolution on drugs that had been adopted by the Committee (A/C.3/52/L.14/Corr.1). In particular, the draft programme of work contained no reference to part IV of that resolution, concerning a special session of the General Assembly devoted to the fight against drugs. She asked the Secretariat to make the necessary correction.

34. **Mr. Langman** (Australia) suggested that the resolution on Cambodia should appear under item 12 (b) rather than 12 (c).

35. **Mr. Bunch** (Documentation, Programming and Monitoring Section of the Division of General Assembly and Economic and Social Council Affairs) said that the changes requested by the representatives of Austria, Luxembourg, Mexico and Australia would be duly made before the report of the Third Committee was submitted to the General Assembly.

36. **Mrs. Kaba Camara** (Côte d'Ivoire) said that under item 8, on the promotion and protection of the rights of children, the draft programme of work seemed to have nothing to say about the girl child in particular.

37. **Mr. Bunch** (Documentation, Programming and Monitoring Section of the Division of General Assembly and Economic and Social Council Affairs) said that the Secretary-General had not been asked for any specific action in the draft resolution on the girl child (A/C.3/52/L.24); however, the item referred to did indeed include a reference to the girl child, in the last paragraph on page 7.

38. **The Chairman** said that he took it the Committee wished to adopt its draft programme of work for 1998-1999 as contained in document A/C.3/52/L.77, and as orally amended.

39. *It was so decided.*

Draft decision

40. **The Chairman** recommended that the Committee should adopt a draft decision taking note of the report of the Economic and Social Council contained in document A/52/3, in particular chapters I, IV and V (sections A, B, C and H) and chapter VII, which had been allocated to the Third Committee.

41. *The draft decision was adopted.*

42. **The Chairman** declared that the Committee had concluded its consideration of item 12.

43. **Mr. Seksenbayev** (Kazakhstan) said that his delegation had intended to vote in favour of draft resolution A/C.3/52/L.58, on human rights and terrorism, and asked that the necessary correction should be made to the record.

Completion of the Committee's work

44. Following an exchange of courtesies, **the Chairman** thanked delegations for their cooperation and expressed his appreciation to the Secretary and Secretariat staff. He declared that the Committee had completed its work for the fifty-second session.

The meeting rose at 7.55 p.m.